

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Empowering Public Participation Act.

6 Section 5. Definitions. As used in this Act:

7 "Background check" means a criminal history check using  
8 the Law Enforcement Agencies Data System (LEADS).

9 "Law enforcement agency" means an agency of the State or  
10 of a unit of local government charged with enforcement of  
11 State, county, or municipal laws or with managing custody of  
12 detained persons in the State.

13 "Open meeting" has the meaning provided in Section 2 of  
14 the Open Meetings Act.

15 "Public body" has the meaning provided in Section 1.02 of  
16 the Open Meetings Act, and also includes police disciplinary  
17 boards.

18 Section 10. Background checks on speakers prohibited.

19 (a) A law enforcement agency or an officer employed by a  
20 law enforcement agency may not knowingly and intentionally  
21 conduct a background check of a person for the sole reason of  
22 that person speaking at an open meeting of a public body,

1 including police disciplinary boards.

2 (b) Subsection (a) does not apply: whenever an agency or  
3 officer develops a reasonable suspicion of criminal conduct or  
4 a reasonable suspicion of a threat to security for the  
5 premises in which the meeting is to occur or for the protection  
6 of public officials and other persons attending the meeting;  
7 and whenever the person speaking at an open meeting of the  
8 public body is also under consideration for appointment to a  
9 government position by that public body.

10 (c) This Act creates no claims for damages or other relief  
11 for violations of this Act.

12 Section 15. Penalty. A violation of subsection (a) of  
13 Section 10 is a Class C misdemeanor.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.